

Message Text

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ACTION EB-11

INFO OCT-01 ARA-16 EUR-25 NEA-14 IO-14 ISO-00 AF-10 EA-11

RSC-01 FRB-03 OMB-01 TAR-02 SP-03 SWF-02 AGR-20

AID-20 CIAE-00 COME-00 INR-11 LAB-06 NSAE-00 OIC-04

SIL-01 STR-08 TRSE-00 CIEP-03 CEA-02 DODE-00 PM-07

H-03 L-03 NSC-07 PA-04 PRS-01 SS-20 USIE-00 INRE-00

NSCE-00 SSO-00 DRC-01 /235 W
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O R 061904Z SEP 74

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 8103

INFO USMISSION USUN NEW YORK

AMEMBASSY MEXICO

USMISSION OECD PARIS

AMEMBASSY NEW DELHI

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TREASURY PASS BRADFIELD

E.O. 11652: N/A

TAGS: EGEN, UNCTAD

SUBJECT: CHARTER OF ECONOMIC RIGHTS AND DUTIES

1. CASTANEDA (MEXICO) DISTRIBUTED TO CONTACT GROUP
SEPT. 6 FOLLOWING DRAFT RESOLUTION, WHICH HE PLANS
TO INTRODUCE AT TDB. HE ASKED FOR REACTIONS,
TO BE GIVEN SEPT. 7. REQUEST DEPT'S INSTRUCTIONS
BY A.M. SEPT. 7.

2. BEGIN TEXT: THE TRADE AND DEVELOPMENT BOARD,
RECALLING THAT GENERAL ASSEMBLY RESOLUTION 3082
(XXVIII) DECIDED TO CONSIDER AT ITS 29TH SESSION A
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FINAL DRAFT CHARTER OF ECONOMIC RIGHTS AND DUTIES

OF STATES, AS A FIRST STEP IN THE PROCESS OF CODIFICATION AND PROGRESSIVE DEVELOPMENT OF THIS SUBJECT,

CONSIDERING THAT SOME OF THE SUBJECTS INCLUDED IN THE CHARTER WERE NOT SUFFICIENTLY EXAMINED BY THE WORKING GROUP AND THAT SOME OF THEM ARE CURRENTLY DEALT WITH IN OTHER ORGANS OF THE UNITED NATIONS SYSTEM AND ARE OF GREAT IMPORTANCE AND COMPLEXITY,

MINDFUL THAT THE CHARTER OF ECONOMIC RIGHTS AND DUTIES OF STATES PROVIDES FOR ITS PERIODIC REVIEW, AND THAT THE ABOVE-MENTIONED SUBJECTS, ONCE THEIR STUDY HAS BEEN COMPLETED BY SUCH APPROPRIATE ORGANS, COULD EVENTUALLY BE INCORPORATED IN THE CHARTER THROUGH THAT PROCESS OF REVIEW,

1. TAKES NOTE WITH SATISFACTION OF THE REPORT OF THE WORKING GROUP ON THE CHARTER REGARDING ITS THIRD AND FOURTH SESSIONS HELD IN 1974;

2. REQUESTS THE GENERAL ASSEMBLY TO CONSIDER THE FOLLOWING SUBJECTS WITH A VIEW TO REFER THEM, WITH PRIORITY, TO THE APPROPRIATE ORGANS FOR FURTHER STUDY:
END TEXT.

3. SOME MEMBERS OF GROUP B, INCLUDING UK, FRANCE, CANADA, JAPAN AND US, INFORMALLY CAUCUSED ON FOREGOING AND REACHED FOLLOWING CONCLUSIONS.

(A) WE SHOULD REQUIRE DELETION OF PREAMBULAR PARA BEGINNING "MINDFUL", SINCE IT SPEAKS OF WHAT THE CHARTER PROVIDES, BUT THE CHARTER HAS NOT BEEN ADOPTED, CALLS FOR PERIODIC REVIEW, WHICH WE MAY NOT WANT, AND GIVES A STATUS TO SOME SUBJECTS THEY MAY NOT DESERVE (INDEXATION, ETC.).

(B) WE SHOULD REQUIRE REVISING OPERATIVE PARA 2 TO READ ALONG THESE LINES: "REQUESTS THE GENERAL ASSEMBLY TO CONSIDER WHAT FURTHER ACTION MAY BE APPROPRIATE IN RELATION TO THE FOLLOWING SUBJECTS".
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4. THE RESOLUTION THEN WOULD LIST SUBJECTS INTRODUCED RELATIVELY RECENTLY AND RELATIVELY UNDEBATED, E.G., INDEXATION, PRODUCERS' CARTELS, RESTITUTION. A PROBLEM, HOWEVER, IS THAT THE EC PROPOSAL ON SECURITY OF SUPPLY IS WIDELY CLASSED IN THIS CATEGORY, BUT THE EC INSISTS THAT THIS SUBJECT NOT BE DEALT WITH BY THE UNGA OR REFERRED BY IT TO ANOTHER ORGAN BUT RATHER INCORPORATED

IN THE CHARTER IF THERE IS TO BE A CHARTER.

5. ACCORDINGLY, WE ANTICIPATE DIFFERENCES IN THE CONTACT GROUP ON TWO POINTS, FIRST, THE TEXT OF THE RESOLUTION TO BE PROPOSED TO TDB INsofar AS CASTANEDA HAS PROPOSED IT; SECOND, THE SUBJECTS TO BE LISTED IN THE RESOLUTION WITH A VIEW TO THEIR NON-INCLUSION IN THE CHARTER. APART FROM THESE PROBLEMS, WE LIKE CASTANEDA'S APPROACH, FOR IT FURNISHES A WAY OF DEFERRING OR DISPOSING OF UNACCEPTABLY PROPOSALS SUCH AS PRODUCERS' CARTELS.

6. IF THE AMENDMENTS SET OUT IN PARA 3 OF THIS MESSAGE DO NOT CARRY, WE RECOMMEND THAT USDEL IN TDB VOTE AGAINST THIS RESOLUTION. ALTERNATIVE, LESS PREFERABLE IN OUR VIEW, WOULD BE TO VOTE AGAINST OBJECTIONABLE PARAS, AND ABSTAIN ON RESOLUTION AS WHOLE.
INSTRUCTIONS NEEDED BY A.M. SEP. 9. DALE

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